

Early words from the new CAJ Director

Having just taken up post as Director of CAJ, I would like to use this opportunity to give some initial thoughts on the role of a human rights based approach in general and the role of CAJ in particular. The advocacy of human rights is often caricatured as a rebellious, anti-state activity designed either to subvert government or to satisfy a patronising sense of moral superiority. Of course, in conditions of dictatorship and repression, advocating for human rights can be a revolutionary activity.

However, at its core, a human rights based approach is a search for a stable, peaceful and therefore free society. In fact, one way of looking at human rights advocacy is as committed, consistent support for the rule of law. The Preamble to the Universal Declaration of Human Rights states: "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law..." So that foundational document sees human rights expressed through the rule of law as a bastion of stability and an alternative to rebellion.

Support for the rule of law does not mean support for any law, right or wrong. From a human rights perspective, it means support for the best, the most just and hence the most effective law. Repressive law subverts the rule of law by undermining its legitimacy and destroying public confidence in law makers and enforcers. By constantly trying to improve law and its enforcement, by holding up the best examples of practice and aspiring to the highest standards, human rights advocates are the strongest champions of the rule of law. This activity will inevitably involve pointing out weaknesses and highlighting abuses but far from undermining law or attacking the institutions of justice, this process is designed to strengthen them and make them more effective. By trying to strengthen the criminal and civil law and its enforcement – criticising what goes wrong and promoting best practice – CAJ is working to protect us all from abuse of our rights by other citizens as well as by the state.

The approach I am describing is particularly appropriate for the current stage of CAJ's history. One way of looking at the history of CAJ is to see three phases of development in what it was trying to achieve, determined by the overall political context in Northern Ireland. In the first phase, during the conflict, the organisation was trying to defend human rights and hold state agencies and institutions to account against international human rights standards. In the second phase, during the peace process, while continuing this necessary "defensive" work, it was concerned to advance changes in law and institutions that would protect and promote human rights and equality in the post conflict society. Many, though not all, of the desired changes in law and regulation and in the establishment of institutions to implement them were advanced. In the third, current phase, while human rights abuses still need to be confronted and changes in law and institutions are still required, the emphasis is on consolidation, on making a lived reality of a society in principle based on human rights and equality. In these circumstances, it can be argued that CAJ now needs to situate itself as a "critical friend" both to institutions that have been established to protect or enforce rights and to those elements of the state that are trying to be human rights compliant.

In all our work we will continue to aspire to the "gold standard" of human rights – winning respect and legitimacy through the quality of our analysis and the depth of our commitment to a stable and peaceful society built on the rule of human rights based law.

Brian Gormally, Director

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The United Nations Convention on the Rights of Persons with Disabilities: Update on the Northern Ireland process for the UK Report

A draft of the UK's first Periodic Report (State Report) on the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) was released by the UK government's Office for Disability Issues (ODI) for consultation over the summer. The finalised UK State Report was to be submitted to the UN Committee on the Rights of Persons with Disabilities in July but is now expected to be submitted in the autumn. The following article outlines the background to the present process.

The role of the Northern Ireland Executive

Under Article 33(1) states are to designate focal points within government to assist implementation of UNCRPD. OFMdfM has been designated as the 'focal point' to lead on the Convention for the Northern Ireland devolved government. Article 33(3) of the Convention provides that "Civil society, in particular persons with disabilities and their representative organizations, shall be involved and participate fully in the monitoring process."

Earlier this year CAJ wrote to OFMdfM to ask how they planned to do this in the context of developing Northern Ireland's contribution to the draft report. The department responded that "engagement with people with disabilities and their representative organizations had commenced through two awareness raising events and further events had been planned". OFMdfM information from these events would be analysed and made available to ODI for inclusion in the draft UK State Report. OFMdfM by way of contribution from the devolved government to the UK State Report then prepared a paper which was submitted to ODI in January. For its part ODI subsequently published its draft UK State Report, along with an easy read version. All three documents are now available via the OFMdfM website:

<http://www.ofmdfmi.gov.uk/index/equality/disability.htm> which also notes ODI had to substantially condense the OFMdfM material to keep down word length to UN limits.

Despite the weighty contribution from OFMdfM (which ran to 30 pages) there were some issues that CAJ would have expected to see reference to in the State Report that do not materialize. For example there is no reference in the OFMdfM document (or consequently the State Report) to the impact of the conflict in Northern Ireland in relation to disability, nor does the draft State report mention our forthcoming Mental Capacity (Health, Welfare and Finance) Bill (which was highlighted by OFMdfM). The draft State Report also suffers from the perennial problem in UK treaty reports of being thorough on listing initiatives but light on providing the type of outcome-focused statistical data many treaty bodies are seeking. There is of course still time for such matters to be rectified in the final UK State Report.

Independent Monitoring Mechanism

The final piece of the UNCRPD Article 33 jigsaw is that states are to designate independent mechanisms to promote, protect and monitor implementation of the Convention. The UK designated the Northern Ireland Human Rights Commission and the Equality Commission for Northern Ireland to constitute this Independent Mechanism in Northern Ireland. The level of work both organisations are going to be able to sustain in this role could well be impacted on by the budget cuts both are facing.

Osun State Truth and Reconciliation Commission

A locally based academic at School of Law, Queen's University Belfast, Dr Hakeem Yusuf, has recently been appointed as a member of the Osun State Truth and Reconciliation Commission (OSTRC). This Commission was established by the government of Osun State in South West Nigeria in February 2011.

Hakeem researches and writes in transitional justice and human rights. He travelled to Nigeria a number of times to participate in the hearings of the Commission between February and May this year. Hakeem, who is the Director of LLM Programmes in Human Rights at the Law School, along with six other Commissioners examined the causes and incidents of gross human rights violations and public discontent in the state from June 2003 to February 2011. Osun, one of Nigeria's 36 states, had experienced widespread violence, loss of lives and property, and gross violations of human rights following disputed elections of a state governor in 2007. The violence had continued until the last quarter of 2010 when the Nigerian Elections Appeal Tribunal declared the candidate who actually won the elections winner and he was sworn in.

Hakeem stated that he is greatly delighted at this important opportunity to participate in a truth-seeking process. He had done pioneering work on truth-seeking in Nigeria in the period immediately following the country's nearly three decades of authoritarian rule. His research on truth-telling in Nigeria's political transition started during the time when he undertook his postgraduate (masters) studies at the Transitional Justice Institute (TJI) at the University of Ulster. Hakeem notes that it is particularly significant that his participation on the OSTRC has enabled him to utilise his research experience to contribute to community development in an important part of Africa.

The Commission, which is currently writing its report, sat in public and took testimonies from petitioners from March through May 2011. The truth commission plans to submit its report to government and expects the state government to commit itself to implementing its recommendations to achieve justice and reconciliation in that part of the country.

Hakeem Yusuf, Queen's University Belfast

New Human Rights Blog

www.RightsNI.org is a new human rights blog which was launched in August of this year. The blog, which is currently edited by Vicky Conway of University of Kent, aims to provide a new platform for the discussion of rights issues, both local and international. New posts appear on the site regularly, ranging from disability rights issues, articles on housing in North Belfast to regular updates from a blogger based in the West Bank, and plenty more besides.

You can subscribe to the RSS feed to receive regular updates from the site. RightsNI also has a Twitter and Facebook account for sharing articles.

The regular contributors on the site have a diverse range of backgrounds, including practitioners, campaigners, activists and academics. The blog will also post pieces from guest contributors who can offer unique insights into emerging issues.

If you would like to contribute in some way please contact the blog editor by emailing rightsni@gmail.com

[RIGHTSNI] human rights from Northern Ireland

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Fenced Out: Life Cut off from Land in the Palestinian West Bank "Seam Zone"
by MAIREAD COLLINS on SEPTEMBER 10, 2011

In 2002, Israel began work on what was ostensibly a barrier to prevent suicide bombers moving from the West Bank into Israel. Its concrete slabs snake through East Jerusalem and Bethlehem, its dull grey covered in parts by graffiti and the art of Banksy. Alas, no matter [...]

{ 0 comments }

Papering over the cracks
by KATE WARD on SEPTEMBER 8, 2011

Rights begin in the small places close to home where we seek justice, equal opportunity and equal dignity. Unless these rights have meaning there they will have little meaning elsewhere. Words and sentiments that many will recognise as belonging to the oft-quoted Eleanor

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Some Humanitarian Perspectives on Transition

Transition suggests a transformation, a change from old to new. It is heavily imbued with the notion of hope and clearer days ahead. Most particularly in situations of conflict and violence, societies strain under immense pressure to re-capture a time when all was well for communities, families and political authorities. As they confront the many challenges implicit in the process of transition, the humanitarian community is charged with careful consideration of lasting and even emerging humanitarian problems that need to be addressed. As a representative of the International Committee of the Red Cross (ICRC) in Northern Ireland, I will try to view this from four perspectives: what transition actually means, what the humanitarian consequences are, how they are addressed, and what lessons can be learnt from addressing contexts in transition.

The criteria that eclipse all others when looking at transition is the cessation of hostilities and the removal of fear, the security apparatus, loss of life and limb, the heartbreak of lengthy prison sentences for young people, and the inward focus of societies. This is often accompanied by a sense of euphoria and a wish to reach the next level of more harmonious and caring community relationships.

Nonetheless, there are immediate consequences of what is typically a fragile ceasefire. These include a persisting risk of violence as the new flow of resources will largely favour the elite political and economic actors in a post-conflict society. Relationships that were previously characterised by mutual violence will remain untrusting and unresolved, the legacy of conflict will not heal quickly or easily and most worryingly, the conditions that led to the conflict may not be resolved. In addition, the international community will provide resources and then move away: such distance does nothing to assuage the harrowing trauma of years of conflict that remains etched on those who have experienced it.

The responsibility for addressing these and other challenges lies primarily with governments and political powers. Political leadership needs to rise to the high expectations of those communities who voted for and agreed to peace. In assuming this responsibility, an awareness of the levels of individual and community suffering needs to be understood and responded to. Humanitarian actors, through their connections with the victims of conflict and their communities, can and need to play a leading role in ensuring that these needs are known by decision and policy makers. It is, after all, the most vulnerable whose voices and needs are never heard loud enough. Their needs are often generated directly by the conflict and need to be first in the line of response from community and other public representatives.

What has the ICRC learnt about conflict and transition in more than 150 years of working with such societies? Above all, we recognise that humanitarian problems remain long after hostilities have ended and transition is in place. Political grievances will generate ongoing hostility of differing forms, victims will seek for justice, even retribution, prisoners will remain in jails and/or may be traumatised or certainly disadvantaged in society upon release. From having a combatant status to being unemployed and untrained is a painful price too. The problems associated with families forcibly separated and families of the disappeared remain real, painful and acute until closure can be achieved.

In terms of healing, we cannot overlook the feelings of shame and humiliation that are associated with the use of violence. Violence is seen by the perpetrators as an appropriate and even inevitable response to situations communities find themselves in, but the use of violence does not come free. It carries with it very significant penalties, and in humanitarian terms these are associated with both the direct victims who sometimes require a lifetime of care and support, and also with those who inflict it, as they too have to carry their own responsibility, be that incarceration, trauma or other sanction. Working exclusively as a humanitarian organisation means that these needs, in as much as they affect the dignity and self respect of people, are supported.

Each of us carries what we understand by transition, and each of us learns to accept that in the other.

Geoff Loane is the Head of Mission of the International Committee of the Red Cross (ICRC) in London. They have recently opened an office in 95 University Street and can be contacted there (028 9023 8660/1900) or through their London office (0207 877 7579).

Taking a closer look at CAJ

Each month in 2011, *Just News* will profile a different staff member, outlining his/her role in the organisation and giving an overview of the kind of work they do on a day to day basis. If you believe the CAJ staff person can be of any assistance to you, please contact them directly.

Liz McAleer
Office Manager

Where do I begin? It was 1990, in the height of “the troubles” when I took up the position of clerical assistant. However my role at CAJ has changed a lot since then. My position in 1990 was “temporary and dependent on funding”, so I wish to take this opportunity to thank all of CAJ’s funders throughout the years for keeping me in employment. I have been honoured to work for such a professional organisation and have had the pleasure of meeting so many dedicated people working on human rights in Northern Ireland and beyond e.g. the late Professor Stephen Livingstone and the late Donall Murphy, both of which volunteered so much of their time to CAJ.

Currently, we have project workers in the fields of Equality, Policing, Criminal Justice and Protection of Rights, but back in the 80’s and 90’s CAJ had subgroups (all on a voluntary capacity) on Policing, Children and Young People, Emergency Law, Prisons, Racism, Fair Employment and Equality these groups were made up of volunteers. I became involved with the Children and Young People’s and the Equality sub groups. One of the highlights was when I was part of co-ordinating 30 women’s groups throughout Ireland in the production of a quilt – “Quilt for Beijing” – Women’s Rights are Human Rights” - 30 panels focusing on women’s rights in Ireland. This quilt was created for and hung in the European tent at the 4th United Nations World Conference on Women, in Beijing 1995, and has travelled throughout Ireland as a tool for discussion among women’s groups on matters such as housing, education, domestic violence, peace and human rights – for more information see our website.

I have seen CAJ move offices from cramped conditions when we shared a tiny room housing 3 staff to its now state of the art premises in Queen Street, with 12 permanent staff and ongoing rolling volunteers.

I clearly remember those early days, before technology of course, when it was common to lick stamps and envelopes, and manually collate publications. Now CAJ’s publications are available on the website, along with the regular newsletter *Just News*. I have personally worked on 4 editions of the *Civil Liberties in Northern Ireland: the CAJ Handbook*, and also remember the days when the indexing was done manually! CAJ are currently in the process of producing its 5th edition of this comprehensive handbook for 2012 – watch this space!.

Now my day-to-day work involves managing the office, the finances and dealing with all personnel matters including the many volunteers and interns. EIRENE, a peacekeeping organisation in Germany continue to send volunteers on an annual basis, of which CAJ is grateful. I also service CAJ’s membership and anyone wishing to join CAJ, may contact me directly on liz@caj.org.uk or go to the website www.caj.org.uk for further information.

Although I am still trying to get my head around Blogs and Twitters etc, and am grateful that CAJ have a team of experienced staff who understand that area of work, I continue to enjoy working at CAJ, and here’s to the next 21 years!!!!

To contact Liz, please email liz@caj.org.uk or phone 028 9031 6000

Creative reflections on key human rights instruments



"There are a number of bog woods in Ireland of which bog oak and bog pine are the commonest. 'Bog wood' is ancient wood which has been preserved by falling into wet ground or the bog growing up around it so it is in oxygenless conditions. It can typically be found in cutaway bog (cut for turf - now less common) or where farmers drain fields. The piece of bog oak that 'Angel of Justice' was carved from comes from the shores of Lough Neagh. Bog oak has turned black by the interaction of iron in the water with the tannins in the wood and would typically be three thousand years old.

'Angel of Justice' emerged from the shape of the wood. There are different approaches to carving wood including carving what you want or looking at the shape, once the piece is cleaned up, and seeing what 'is there'. In this case the interaction between wood and carver led to a symbol of justice, and who better to give a symbol of justice to than CAJI!"

- Rob Fairmichael, Artist and creator of the Angel of Justice

Civil Liberties Diary - June

June 6

A review by the Committee on the Administration of Justice has resulted in a report that has catalogued serious concerns over the effectiveness and independence of the Police Ombudsman's Office. Mick Beyers, the policing programme officer at the CAJ, stated "the research has raised serious concerns in relation to the failure of the office to define and apply the term 'collusion' in a consistent manner across all investigations and a failure to hold the police to account in relation to historic cases." The report raised further concerns as to the recruitment process which brought about the appointment of Mr Al Hutchinson.

June 7

The Justice Minister confirmed that there are currently 4 super injunctions in place in Northern Ireland.

June 9

The Attorney General today ordered a new inquest in to the death of Gerard Slane. Mr Slane was shot off the Falls Road, West Belfast on September 23 1988 by Loyalist gunmen, thought to be the UFF. Mr Slane's death had been the subject of an inquiry by Lord Stevens. However the subsequent report has never been published.

June 15

The Prisoner Ombudsman, Pauline McCabe, has published her report in to the death of Allyn Baxter. The report established that information on Mr Baxter's vulnerability had not been shared

with healthcare staff and that apart from showers or use of the telephone he was locked in his cell for between 21 and 22 hours a day. This was due to staff shortages at Hydebank Wood Young Offenders centre in South Belfast. The 19 year old prisoner took his own life on the 3 August 2010.

June 22

Counsel for Robert Rodgers, a loyalist charged with the death of Eileen Doherty 38 years ago, has told District Court Judge Fiona Bagnall that there was an abuse of process in the case. It is being claimed that Mr Rodgers was given assurances, from senior government officials, during negotiations of Good Friday Agreement that those accused of conflict related offences would not be prosecuted without an admission of guilt. His legal team are now looking for the release of notes from meetings held between members of the PUP and the Northern Ireland Office so as to strengthen its case.

June 21

The Kingsmill Report was published after an inquiry into one of the worst atrocities of the Troubles. The report examined the deaths of 10 protestant workmen who were gunned down by up to 11 IRA gunmen in Kingsmill, Co. Armagh on 5 January 1976 as they returned from work in a minibus. The main conclusions of the 108-page report were that the Provisional IRA was to blame for the killings despite their denial and having been on ceasefire at the time.

June 23

The Equality Commission for Northern Ireland confirmed the re-appointment of all seven commissioners to their roles. Mr Bob Collins resumes the role as Chief Commissioner for further 6 months.

June 24

The police have apologised for the RUC investigation into the massacre at Loughinisland stating that there had been a lack of "communication and consistency" which ultimately led the families of those murdered losing confidence in the police investigation. The apology came as the Police Ombudsman's report into the atrocity, which occurred in 1994, was published. Police Ombudsman, Al Hutchinson, commenting on the finding of his report stated "They (the families of those murdered) still firmly believe that there was collusion. I acknowledge their belief and while there is reason to be suspicious over certain police actions I consider there is insufficient evidence to establish that collusion took place."

June 28

The First Minister and deputy First Minister have met with the Parades Commission for the first time. The meeting took place at Stormont Castle in a period when there was increased tension over violent flashpoints at parades.

Civil Liberties Diary - June / July

June 28

The Criminal Justice Inspection for Northern Ireland reported that there can be no justification for paying lawyers in Northern Ireland as much as 50% more than their counterparts in other parts of the United Kingdom.

June 29

The Court of Appeal in Belfast has quashed an industrial tribunal finding that there had been no intention to dismiss mother of two Ms Terry Rooney-Telford from her employment at New Look Downpatrick after her return from maternity leave. The judges also ordered a new hearing of the case.

July 7

The Human Rights Commission has launched a legal challenge to try to change current Northern Ireland legislation which prohibits gay and unmarried couples from adopting children. A High Court judge has given the Commission leave for a judicial review. The Commission stated "The Human Rights Commission has been granted leave to take a judicial review in its own name regarding adoption law in Northern Ireland. The issue concerns the anomaly in Northern Ireland law that prevents unmarried couples, or same-sex couples, from jointly adopting a child." It continues "the Commission's concerns are around discrimination and the right to a family life given that the law at present does not comply with human rights and differs from practice elsewhere in the United Kingdom."

July 7

A consultation document being carried out by the Department of Justice has proposed bringing in Violent Offender Orders (VOO) to reduce the risk from dangerous criminals released from prison into the community. The VOO are being used currently in England and Wales and cover offenders who have served sentences for manslaughter and wounding with intent to cause grievous bodily harm. They last for between 2 and 5 years and limit the offenders' access to people and places.

July 18

New by-laws being proposed by the Minister for Agriculture, Michelle O'Neill, will stop the use of publicly owned forests after dark. The by-laws as they are being proposed currently would see fines of up to £1000 for anyone found in a forest after sunset.

July 21

Mr Justice Weir stated that cases were being held up due to failures by the forensics work not being processed on time. He described the current arrangements as being "dysfunctional" and has suggested police here might consider sending their evidence to England.

July 26

Prison authorities at Maghaberry Prison have denied prisoners contact with their families and legal representatives due to "hygiene concerns." The denial of contact comes as republican prisoners are carrying on a 'dirty protest.' It has also come to light that republican prisoners' outgoing mail is not being posted due to fears it may be contaminated. While prisoners are prepared to shower before visits of family and lawyers, they are not prepared to come off the protest. Counsel for one of the prisoners has told the court that the prison authorities are making visits "conditional upon the prisoner in question coming off the protest, which they are not prepared to do." However he confirmed to the court that prisoners were not opposed to taking shower before visits. Mr Justice Weatherup has adjourned the case until next week and has asked the prison service to provide an affidavit so as to clear up the disputed claims.

Compiled by John Keers from various newspapers

Just News welcomes readers' news, views and comments.

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Correspondence should be addressed to the Editor, **Fionnuala Ní Aoláin**, CAJ Ltd.

2nd Floor, Sturgen Building
9-15 Queen Street

Belfast
BT1 6EA

Phone: (028) 9031 6000

Fax: (028) 9031 4583

Email: info@caj.org.uk

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